

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Workshop February 11, 2014

A workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 6:15 p.m. by Chairman William B. Hawk, on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., William L. Hornung, Gary A. Crissman, and Robin L. Lindsey.

Also in attendance was George Wolfe, Township Manager; Steve Stine, Township Attorney; Brian Luetchford, Parks and Recreation Director; Sam Robbins and Matt Miller, Public Works Department, John Reed, Paxtonia Fire Company; and Watson Fisher, SWAN.

Pledge of Allegiance

Mr. Seeds led in the recitation of the Pledge of Allegiance.

Public Comment

No public comment was presented.

Review of the final Koons Park/Wolfersberger
Park Master Site Development Plan

Mr. Luetchford noted that the Master Site Development Plan for Koons Park/Wolfersberger Park (K/WP) Plan has been ongoing for more than a year and a half. He noted that the Township accepted a grant from the Department of Conservation and Natural Resources to pay 50% of the cost with the Township coming up with the matching funds. He noted that the grant paid for \$40,000 with the Township coming up with matching funds of \$40,000.

Mr. Luetchford noted that the project plan was a public process involving focus groups, multiple sports organizations, individuals, neighbors surrounding both park locations, and much input from individuals from the area. He noted that the plan develops Wolfersberger Park and further develops Koons Park as sister parks knowing that they would be working together as community level parks in the future.

Mr. Luetchford noted that the Board now has a copy of the final Park Study. Mr. Wolfe noted that the Board has the entire plan as well as the executive summary. He noted that the

packet also includes a resolution that the Board is requested to adopt by the Commonwealth. He explained, until that is done, the grant funds will not be distributed to the Township. He noted that the money paid to date totals \$80,000 and until the Board accepts the plan, the \$40,000 will not be refunded to the Township.

Mr. Wolfe pointed to the display noting that Koons Park is made up of 35 acres of developed land and Wolfersberger Park located off of Wenrich Street is shaped as two parcels of land. He noted one parcel fronts on Wenrich Street made up of 55 acres and the back parcel is made up of 44 acres that currently houses the paintball operation. He noted that the plan would lay out recreation facilities for Wolfersberger Park, doing it in a complementary fashion to what currently exists in Koons Park since they are blocks away from each other.

Mr. Luetchford noted that the plan includes moving the salt dome and two softball fields to relieve some of the heavy usage that has occurred over the years at Koons Park. He noted that it will make Koons Park more usable and provide more stormwater treatment to provide relieve to the current drainage issues occurring in the park, especially in the southern portion of the park that regularly floods.

Mr. Luetchford noted that it is a long-term project and he would like to have a plan in place for both parks as they complement each other.

Mr. Wolfe displayed the master summary plans for both parks. Mr. Luetchford noted for Koons Park, the plan is to move the football field and the teenier field from Balthaser Street location to a safer traffic free area. He noted that the minor fields would remain where they are and the basketball and volley ball courts would remain in the same area. He noted that the pool would remain in the same footprint area. He noted that the pool will fail sometime soon as it is over 50 years old and that pool owners will be coming to the Board to discuss future development of the pool. Mr. Hawk questioned if they would like to rebuild the pool. Mr. Luetchford noted that is what he has been told but it would be the next generation of operators to work on that project.

Mrs. Lindsey questioned if the pool will be able to open in the spring as the pictures did not look very good. Mr. Luetchford answered that it is questionable every year but he has not been told that they would not be opening the pool. Mr. Seeds noted that they are planning on opening the pool. Mr. Luetchford noted that they are in better shape now then they have been for a long time.

Mr. Luetchford noted as the fields are rebuilt, it will help to end the wet weather events by installing a detention basin in Koons Park. He noted that the tennis courts will also move to Wolfersberger Park over time during phase one to allow for the other changes to occur in the park. He noted that the phasing was a suggestion from the consultant in order to move and have parallel development in Wolfersberger Park.

Mr. Luetchford noted that the back parcel of WP currently houses the paintball operations but it may be a difficult thing to keep forever. He noted that paintball in public parks is non-existent noting that he envisions an elderly lady walking through the park with her dog and suddenly being surrounded by masked men with guns. He noted that it is a reasonable outdoor sport and very popular, and the Township receives rent in the amount of \$850 a month for that operation.

Mr. Luetchford noted that the plan shows a multi-purpose field in the middle of the tract noting that it is a hilly area with wetlands and forests. He noted that it will limit the development for open sports fields, being more of a passive developed area. He noted that it allows the potential for a second dog park, providing trails with boardwalks and parking and restrooms. He explained that he would like to work with the adjoining property owners to provide better access to the park in the long-term.

Mr. Luetchford noted for the southern portion, the tennis courts would be moved to this location as well as the salt dome, the two softball fields, trails with boardwalks through the wetlands, a dog park, playground area, and parking. He noted that the driveway would be located around the outside of the park area.

Mr. Seeds noted that both plans are beautiful and it would be nice to have both but it is a lot of money. He noted that he is concerned that we need well over \$2 million to finish George Park. He explained that he knows that the parks are close together but the phases have always bothered him. He noted Phase one of the plans calls for the demolition of the tennis courts at Koons Park but they won't be replaced in the new park until Phase two which could be a year or two later. He noted that bothers him. He explained that he knows that Koons Park needs to be updated and it would be beautiful but he wished the Township had the money. He noted that he likes the concept and we should move forward with the development of Wolfersberger Park as we are planning to put fill at that location and will need a lot of multi-purpose fields. He noted

that we would lose grant money if we don't approve this plan but it still bothers him. He noted to approve the plan with the figure of \$10 to \$15 million; he didn't think it would happen.

Mr. Wolfe noted that the dollar estimates were provided by the consultant for the concept basis and they are very significant. He noted that we have already started the process of turning Wolfersberger Park into a fill site using sanitary sewer waste material to bring the footprint of the sports play areas up to a usable grade. He noted that process will take several years to occur and at no cost to this project. He noted that you have a conceptual dollar amount; however, there are ways to do it for far less over time. Mr. Seeds suggested that it may take 20 years. Mr. Crissman agreed. Mr. Wolfe noted that there is nothing wrong with that. Mr. Seeds noted that the Township should finish George Park during those five years and then move on. He noted that Wolfersberger Park is a mistake and we can't afford it. He noted that we need to find the money to finish George Park, develop some of Wolfersberger, and then redo Koons Park. He noted to remove fields and the tennis court for a year or two is losing space. Mr. Hawk noted that is the main purpose of this plan. Mr. Seeds noted that you wouldn't tear your house down if you didn't have a new house to live in unless you were going to rent. He noted if we take the tennis courts out in Phase one where will the people play tennis. He noted that he does not like it for that reason.

Mr. Luetchford explained that it is a concept plan and it can be adjusted for whatever we feel we need to do and if the Board decides there is a need for tennis courts in Koons Park then we could build the courts in Wolfersberger first and change the plan. He noted that the concept plan should be revisited on a regular and consistent basis. Mr. Seeds noted that he did not think we should do the parks together. He suggested that we should finish George Park first and then work on Wolfersberger Park and then redo Koons Park. He noted that the concept is wrong.

Mr. Hawk noted that the concept is correct but the phasing is not cast in stone. Mr. Seeds noted that we will be tearing things down and not have the money to build things anywhere.

Mr. Crissman noted that we have to approve the concept in order to initiate receipt of the \$40,000. He noted that we have the ability to modify the plan that we accept initially. Mr. Seeds questioned if we could modify the plan that we would not do them in conjunction with each other. Mr. Luetchford answered yes. Mr. Hawk noted that we have to approve the overall concept and the phasing can be modified. Mr. Seeds questioned if you think we could go ahead

with Wolfersberger and let Koons alone. Mr. Hawk noted if the Board decides to do that. Mr. Seeds noted that Koons Park needs help but many people use it.

Mr. Wolfe noted that he would like the Board's permission to put this on the agenda for the next meeting. Mr. Crissman agreed. Mr. Seeds noted that he voted against the plan and he will vote against it again. Mr. Crissman explained that we can change it; all we have to do is approve the concept to apply for the funds. Mr. Seeds noted if he votes for it then you will think I am in favor of the plan. Mr. Crissman noted that we have heard you loud and clear that you are not for the plan as it is currently drawn. Mr. Wolfe noted that the Board controls all capital projects that occur in the Township to include how much is spent and when you do it. Mr. Seeds noted that he does not feel comfortable with the plan the way it is now. Mr. Crissman questioned Mr. Seeds if he understands that we have to approve the concept in order to get the \$40,000. Mr. Hawk noted that Mr. Seeds may want to make other changes as we move along, but we are only approving a concept. Mr. Seeds suggested that this is so far down the road that most of us won't be on the Board when it is done. Mr. Hawk noted that we are approving the concept and not the phasing. Mr. Seeds noted that he does not like the concept of the two together. Mr. Hornung noted that the phasing is building the two together. He noted that concept is the bricks and mortar. Mr. Seeds noted that he does not like the phasing but the concept is fine for additional fields at Wolfersberger.

Mrs. Lindsey questioned Mr. Seeds if he would approve the concept so staff can apply for the money. Mr. Hornung noted that he would have to hear from Mr. Luetchford at the time for what is needed when, noting that Koons needs some attention now. He noted that he is almost embarrassed with some of the areas of Koons Park but there are things that could be fixed to make it look a lot nicer. He noted that he is not totally convinced doing Wolfersberger and then coming back to do Koons Park. He noted that more of the emphasis needs to be put on Wolfersberger, but some things needs to be done at Koons now. Mr. Seeds noted that we should not tear anything down until we have something somewhere else.

Mr. Wolfe noted that he will put it on the agenda

Discussion on the application for the Friendship Senior Center Grant

Mr. Crissman noted that there are two other things that need to be considered. He explained that during last evening's meeting of the Friendship Center Operating Board, Phil Grant, a representative from the senior center, explained that he was preparing a grant to the

State for the senior center at the FC. He explained that Mr. Grant asked the FCOB for an endorsement and also for the Board of Supervisors for endorsement, requesting that a letter be prepared by both parties endorsing the project submitted to the State. He noted that the amount was \$31,500... Mr. Wolfe noted that the total grant was for a \$40,000 project with a \$9,000 local match. Mr. Luetchford explained that the Senior Center would provide the local match funds.

Mr. Crissman noted that the FCOB is an arm of the Board of Supervisor and they were told that anything in the project that would make any structural change to the building they could not do. He noted that most of the funds would be programing such as nutrition, tables and chairs, a portable floor that could be laid down over the existing floor in the senior center. Mr. Seeds questioned if they want to cover the rubber floor. Mrs. Lindsey answered that they can't dance on it. Mr. Crissman noted that it would also include some fitness equipment. He noted that the FCOB supports Mr. Grant's request and their recommendation to the BOS is also to endorse this plan. He noted that the only outstanding question that he had of Mr. Grant was when they were approved, the State initiated the checks to the Township but Mr. Grant informed Mr. Luetchford that the funds would be sent to the FC Senior Center and they would control the expenditure of the money. He noted that it is important for the FCOB and BOS to make sure there is nothing being done that would change the building. He noted that the FCOB was assured by Mr. Grant that would not be the case. He noted that the FCOB recommends to the BOS that it endorse the grant application and will send a letter of approval.

Mr. Hawk explained that Mr. Grant needs a letter from the FCOB, the BOS, and one from Representative Ron Marsico. Mr. Seeds questioned who is sponsoring the grant. Mr. Luetchford answered the Department of Aging. Mr. Crissman noted up until the last grant that was written, the Township worked with the seniors to write that grants as there was a member of the FCOB who sits in the Department of Aging who could provide some assistance with the grant writing process. He noted for the last grant that was written the Township was not asked to assist, the seniors did it themselves, and it failed. He explained that he hopes that the seniors will be successful with the writing of this grant.

Mr. Hawk noted since the FC is an arm of the BOS, does it add strength to the grant to have a letter come from the FCOB and BOS. Mr. Crissman suggested that they want a letter from the FCOB since the facility is located under the apices of the FCOB, and one from the

governing agency and one from Rep. Marsico since he is the representative for this region. He noted that he brought along a copy of their proposal and their presentation.

Mrs. Lindsey questioned if there was no letter with the last grant from the BOS. Mr. Luetchford explained that it was a very disjointed effort and they never asked for a letter. Mrs. Lindsey noted having a letter should help. Mr. Crissman noted when you are a grant writer you have to be very cognizant of the terminology that has to be put into the grant and know what to ask. He noted when you don't have that expertise helping you it hurts the application.

Mr. Hawk questioned if the Board needed to take action on this at its next meeting. Mr. Wolfe suggested that all he needs is direction for staff to prepare the letter. Mr. Hawk suggested that staff should move forward on this. Mr. Crissman noted that Mr. Luetchford can do the FCOB letter and Mr. Wolfe can prepare the BOS letter.

Discussion on the FCOB request to contract for online registration and other issues

Mr. Wolfe noted that the FCOB reviewed at its meeting held last night, project management guidelines for the four priority projects that they will be working on. He explained that they are in a final draft form and will be presenting them to the Board in the next 30 days. He noted that the for projects are: online memberships; changing the hours of operation of the center; premium memberships; and the reconfiguration of the facilities and programs to better accommodate market demands. He noted that the FCOB has identified two expenditures that are necessary to move forward, one is hardware and software for an online registration program for programming at a cost of \$25,300 and up to \$15,000 for schematic plans for interior changes and renovations. He noted that neither of those two items is included in the budget so Mr. Crissman requested that he bring this to the Board this evening.

Mr. Crissman noted when the FCOB last met with the Board; it discussed the possibility of a rock climbing wall. He noted that the FCOB needs more data to determine what it would cost and what the revenues would be and how long it would take to get the money back. He noted that the FCOB wants to take the same space along with some of the activity rooms to combine them and have a consultant determine what we could do with that space. He noted that no one knows what the costs would be or what revenue would return to the FC and at what rate. He noted that we need someone who has expertise in the field to say this is what we need to do.

Mr. Seeds noted that we got ballpark figures from the other study. Mr. Crissman noted that Brailsford did not give it for that space; they only suggested that we use the space.

Mr. Luetchford noted that we want to use the space but there is a lot of competing potential and they need to determine what the maximum use of the space is. He noted that adding more machines is one way to do it but on TV shows you see open spaces where people are doing exercise in those areas and maybe that is a better use of the area or installing climbing walls.

Mr. Crissman suggested the splash pool for what it would cost would take a long time to pay back considering it could only be used for three months. He noted that we have the space available noting that we would be the only one on the east shore with a rock climbing wall, but he doesn't know what the costs would be and what the return would be.

Mr. Hornung questioned if an architect would do this work as there are people who know about games and Mr. Crissman noted that we need someone like that but there are also activity rooms that we discussed bifurcating but it is important to put all this together so the person coming in may be able to tie one space into another space. He noted that the ultimate goal is to make the best use of the space available to generate additional revenue. He noted that no one at the table felt competent to do that kind of work so we need to spend the money to get that information.

Mr. Hornung questioned where we would get the money. Mr. Wolfe answered from the Township General Fund. Mrs. Lindsey noted that \$40,000 is a lot of money. Mr. Seeds questioned if it could come from the bond issue. Mr. Wolfe noted that bonds funds have been placed for certain activities; it would have to come out of the surplus.

Mrs. Lindsey questioned Mr. Luetchford if the membership numbers are up for January. She noted that Mr. Hornung stated that it cost \$700 a day to run the FC. Mr. Luetchford answered that he has not received the numbers yet. Mr. Wolfe noted that we are still closing out one fiscal year and starting another, so the numbers will be available later in the first quarter.

Mr. Hornung stated that he is in favor of spending the money. Mr. Crissman stated that he is also, noting if we want to move forward to realize revenue for the FC we will have to spend some money. Mr. Hornung noted that online registration is a must.

Mr. Seeds questioned what the \$25,000 was for. Mr. Crissman answered that it was for the online registration. He noted that the \$10,000 to \$15,000 is what we will need to hire a

consultant to determine how to use the space, what will the cost be and what will the revenue be and how long it will take to recover those costs. Mr. Seeds questioned if that was done in the last study. Mr. Crissman answered no. Mr. Hornung noted that there are statistics telling what is needed to generate funds for a rock wall. He noted that they have lists for all types of activities for population etc., and suggested that it is a wise choice. Mr. Crissman noted that we need facts. Mr. Seeds noted that the Brailsford Report discussed a geographic area. Mr. Hornung noted that it was not specific for different uses. Mr. Crissman noted that we may find that there won't be enough support for a rock climbing wall and there may be something else. Mrs. Lindsey questioned if there is any guarantee if we spend this money that we are going to get the money back in return. Mr. Crissman noted for the online registration yes, but for the study no. He noted if we don't do it we are sitting with what we have and we know we are not going anywhere. Mrs. Lindsey questioned if the premium memberships will include all the classes or certain classes. Mr. Crissman answered that is part of the research as we also talked about tier memberships for maybe just the fitness center, or pool, or a military membership, or a premium membership where the members get everything. Mrs. Lindsey explained that many of the complaints that she has received is that people can go other places where the classes are included with the membership. Mr. Crissman noted that we are not asking for additional money for the membership problem as it can be accomplished with in-house staff.

Mr. Hornung questioned how soon the tier membership could be started. Mr. Luetchford answered that he doesn't even know if we can do it. Mr. Crissman explained that staff should work on the premium memberships first. Mr. Luetchford suggested that we can do it by fall, noting that we want to do it in the next seasonal programming run. He noted that we are advertising for spring now and summer will be out within a few months. He noted that we have to market for it, we will probably miss the summer but be ready for the fall registration. He noted that many people join the FC during the fall registration.

Mrs. Lindsey noted that there is a large core of programs in the summertime. Mr. Luetchford noted that we have to decide the process for what programs will be included and for what the rate structure will be. He noted if we can do it earlier, we will. Mrs. Lindsey noted that they are concerned about the classes and not the programs. Mr. Luetchford answered that we need to make a decision for fee structures for each category. He noted that the summer

registration period is in May and program guide will go out in early April and it only allows a month or two to get it figured out.

Mr. Hornung noted that people complain; but what happens if you change it and no one signs up. He noted if we have to undo it because it didn't work, noting that you have to listen to your customers, we have to be prepared if no one signs up for what the exit strategy would be.

Mr. Crissman noted that was part of the discussion if families will switch from a family membership to a premium membership to get the all encompassing items.

Mr. Seeds questioned where the \$25,000 will come from. Mr. Wolfe answered the General Fund. Mr. Hornung questioned who is in favor of spending the funds. Mr. Seeds questioned if it will come to an end sometime. Mr. Hornung noted if we don't do something we will never know. He noted if Mr. Seeds did not spend the funds to get his properties up to snuff, it continues to bleed and at some point he would have to decide to bring the surgeon in and fix it or bleed to death. Mr. Seeds suggested that we thought we had the surgeon before. Mr. Hornung noted we never thought we had the surgeon as we never followed through with anything. He noted that it will cost money to fix it, but if you are in business you borrow money to fix the problem. He noted if you don't fix it the outcome is already determined, it will die; therefore, what is the choice.

Mrs. Lindsey noted that last summer the Township borrowed funds for the pool pacs and all of that. Mr. Hornung noted that was different as it was maintenance but it wasn't to fix the problem of losing memberships. He noted that was to maintain the building to have a viable facility because if we didn't do that it would be certain death. Mr. Crissman noted that the other option would have been to contract out. Mr. Hornung noted that we need to fix the physical problems as well, noting that it is a twofold approach.

Mrs. Lindsey questioned if we put the \$40,000 into this now, will the FCOB be coming back for more money again. Mr. Crissman noted yes. Mr. Wolfe noted that we have to implement the improvements. Mr. Crissman noted if we find that the rock climbing wall will provide a profit in three years... Mr. Hornung guessed that we will probably need a minimum of \$200,000 and maximum of \$500,000 to fix the problem or we close it down. Mrs. Lindsey noted that it is a lot of money. Mr. Hornung agreed but when we lose \$200,000 a year that is a lot of money too. Mr. Wolfe suggested that the range is accurate. He noted we will lose \$200,00 this year if we don't do anything so why not put that money into something to fix the problem so

next year, noting by 2017 we should be in the black and be making a profit again. Mrs. Lindsey noted hopefully. Mr. Hornung noted we need to hold people accountable to fix the problem but it will be different because as you go along you adjust to what people want. He noted that every year there will be changes and new things will arise. He noted that being in business is like being on a treadmill; you are never allowed to get off. He noted that you always have to be new and if we don't invest the money in the FC, we eventually will go out of business. He noted that is why so many of the government programs go out of business. He noted look at the post office, if they were smart they would have done what UPS did a long time ago and there wouldn't be a UPS or FEDEX. He noted that they would have been smart enough to do what they did. He noted that you have to update the program, our reinvention; this is what we have to do. He noted that we gave the FCOB the authority to go fix the problem but if we don't back them with money, we might as well shut the whole thing down and go away.

Mrs. Lindsey noted when it started; it was supposed to be self sufficient. Mr. Hornung noted that he would take the blame, because he did not have the foresight to understand the nuisance of a government run entity that they don't do the reinvention, he let it go down the road.

Mrs. Lindsey noted that we just talked about the parks and the money but with the parks everyone can use the parks but with the FC not everyone can use it. Mr. Hornung noted that not everyone can use the parks all year round and the FC is a winter activity for families which are so desperately needed. He noted that it is a little more costly than parks but the parks cost a lot of money to maintain. He noted that we don't get any compensation for that, so this was different, but if you look at the economic conditions of Lower Paxton Township and the people who come to live here, they talk about the FC being a key ingredient for a family activity. He noted that the price of housing has gone up and the entire community has benefited from it in a way. He noted that it is a central part of the Township, family orientated parks, because that is what is missing in society today; everyone sits in front of a screen. He noted that the average kid sits in front of a screen three hours a day, and they need to be out in the parks and if we don't provide that impetus to get them out to do family things, our moral value of our community will continue to degrade. He noted that has always been his theory to build parks or build jails.

Mr. Wolfe noted that he heard one Board member who is in favor of spending \$40,000 for the two items. Mr. Crissman noted that he is in favor as he wants the FC to survive and he

feels that it is one of the many assets of the community. Mr. Hornung noted that the only thing he did wrong is that we didn't do this five years ago. Mr. Crissman agreed. Mr. Hornung noted that he will take full blame for that as he saw it coming. Mr. Hawk noted that he agrees with it as he has heard more people say that we need a rock wall. He noted that we need to expand and do other things. Mr. Seeds agreed with what Mr. Hornung said, noting that the FC is a tremendous benefit to the community but he questioned when the money issue will end, and if the FC can be competitive. He noted that the FC is not the same as the local gyms as they are not a family business and we have some overhead costs that others do not have. He noted that we have to keep going and try.

Mrs. Lindsey questioned when you stop. Mr. Seeds noted that is the question. Mr. Crissman noted that we made the decision to move forward and told the FCOB to do so. He noted if the Board is going to stop it, then we need to let the FCOB know that. Mr. Seeds noted that he is going along with it. Mr. Crissman noted that the BOS charged the FCOB to do this work and they have done it but if we are suddenly going to change directions, we need to say cease and desist and don't work on this anymore. He noted then we go back to where we started to determine what we are going to do. He noted that the FCOB is doing this in a timely fashion to keep it before us. Mr. Hawk noted that you have to spend money to make money in the right places to get the best return on the investment rather than just spending it. Mr. Crissman noted that the five of us could come up with theories. Mr. Seeds noted that some of the studies that we are doing are nothing more than common sense that we know ourselves. He noted that we are paying the consultants a lot of money to tell us what we already know. Mr. Hornung noted that this study is a lot different. He noted when you do a market analysis to determine what the marketable is for a climbing wall; it is very different than the Brailsford Dunleavy or Ballard Spahr studies. He noted that he wasn't in favor of either one of the studies but they happened. He suggested that the money could be better spent doing what they are doing now and he has often said the Mr. Luetchford is the man who can tell you what needs to be done.

Mr. Wolfe noted that Brailsford was not asked to come up with ideas such as a climbing wall; they were given six scenarios to look at. Mr. Hornung noted this is the kind of study you do in business, a marketing analysis to determine the marketability for it. He explained it is a wise thing to do noting if you spend money to build the wrong thing, now you have to tear it down and build something else. He questioned what the annual income is for the FC. Mr. Wolfe

noted that it is \$2.4 million. Mr. Hornung noted that spending \$500,000 is a very low amount noting that he spent much more than that in his business. He noted if he didn't spend the money he would never make any profits.

Mrs. Lindsey noted for the past four or five years it has been a \$265,000 loss. Mr. Hornung noted that is because we never put the money into it five years ago to revamp some of the facilities. He noted that now we are paying the price and that is exactly what will happen if he didn't revamp his store. He noted you either grown or die in business. Mrs. Lindsey questioned where the money will come from. Mr. Wolfe noted that we will have to fund it or borrow it. Mr. Hornung noted that we borrow it. Mrs. Lindsey noted that we borrow it and the taxpayers pay for it. Mr. Hornung noted that the membership will pay for it. He noted that the taxpayers are paying for his lack of foresight. He noted if we continue to keep the FC, then we continue to pay for it.

Mr. Luetchford explained that The Brailsford report indicated the cost to renovate the social hall would be \$145,000 with an \$11,000 payment per year to pay it back. He noted that the revenue from it would be over \$50,000 range per year, noting that it could be paid off in three years.

Mr. Seeds noted that he did not expect to have this conversation this evening and there was nothing in the packet to review.

Mr. Hawk noted that it is a consensus from all the members except for Mrs. Lindsey. Mrs. Lindsey noted that she is upset with spending the money so it is four against one but it is okay. She noted for all in the audience, she was not a part of this prior to January 6, 2014.

Mr. Luetchford noted that he would work with the contract for the online registration. Mrs. Lindsey requested a report back on the online registration for how many people will be using it. Mr. Crissman noted that the information will be provided to the FCOB who will provide it to the BOS. Mrs. Lindsey noted that she thought that the FCOB would meet with the BOS once a month. Mr. Crissman noted that we discussed having more communication between the two bodies. Mrs. Lindsey suggested that the FCOB would meet with the Board once a month and report to us for what is going on. Mr. Wolfe noted that last month he provided the project management summary for how the FCOB would undertake the four projects and since then they have finalized each one of the four project management activities; but, their last meeting was last night and they didn't expect to be on the agenda this evening. He noted that Mr.

Crissman brought the information forward. Mr. Crissman noted that he did not want the FCOB to wait because it was imperative to keep the process moving so he asked Mr. Luetchford to report to the Board tonight. He explained that the FCOB does not meet again until March but depending on what occurs at this meeting they may have a special meeting to keep the process moving forward.

Mr. Hawk noted that the Board received information on their plan to move things ahead to make some specific changes to make the FC as profitable as possible.

Review of the Earl Drive Culvert Analysis prepared by HRG

Mr. Sam Robbins, Public Works Director, explained that he wants to discuss the Earl Drive Culvert and the channel work for that area. He noted in 2011, the rains brought this issue forward as the culvert topped during the summer rain events as we had snow melt from 2010 into 2011, and excessive storms. He noted to date, there have been no rain events topping the culvert since 2011.

Mr. Robbins explained that there was a drainage study conducted in 1996 that was not very detailed. He noted that they looked at the channel and land based features that were there and tried to determine why the channel was performing the way it was and looked at the drainage basin and the size of the pipe. He noted in 2012 he asked permission to have a more detailed study done of the culvert and channel which would allow the consultant to model the channel and pipe for different storms to provide a better idea of how it would perform. He noted that he and Mr. Fleming came to the Board meeting last September to present the findings of the study.

Mr. Robbins noted that the two main components of the recommendations that came out of the report from last September were to replace the culvert with a larger pipe and to improve 300 to 400 linear feet of the stream channel. He noted that he does not recall if we discussed replacing the culvert. He noted that it is not an option due to the two properties located on either side of the culvert; he noted that it cannot be done as there is not enough room. He explained, in order to get more water through the culvert, it would have to be widened and there is not enough room because there are houses on either side.

Mr. Robbins explained that the other recommendation was to improve the stream channel. He noted for about \$300,000 the channel could be modified for several hundred feet but it would only lower the 100 foot level elevation by a half foot. Mr. Robbins noted that he wants

to know if the Board wants to pursue the replacement of the channel or go in a different direction by improving the channel.

Mr. Robbins explained when we discussed this last September we did not know the condition of the culvert. He explained that he and Mr. Fleming looked at the culvert noting that the pipe is ten gauge metal, but the bottom of the pipe has holes in it. He noted there is a large hump or raised portion in the pipe. He noted that we are not sure how it happened but he is thinking that it was probably done by either frost or some type of movement where it allowed what was underneath the pipe to push the pipe up. He noted that it had to be something with great force to do that. He explained that the pipe has holes in the bottom to the point where if we have a major storm, would it fail catastrophically, no. He noted that he had Lane Enterprise, a pipe manufacturer who builds arch pipe look at it to provide some ideas. He noted that there is a roll of bolts, a bolt pattern that goes across the mid portion of the pipe and Lane noted for \$15,000 for the pipe material only, a contractor could replace the bottom of the pipe to extend the life of it. He noted that it will pass a 100-year storm, but what we had in 2011 was greater than that as the culvert topped. He noted we have no idea when that would occur again.

Mr. Robbins noted the cost of the pipe, hiring a contractor to replace the bottom of the pipe would cost between \$60,000 to \$80,000 but to replace it would cost \$400,000. He noted that the permitting would be between \$40,000 and \$60,000. Mr. Hornung questioned what the \$15,000 was. Mr. Robbins answered that it was for the materials only.

Mr. Seeds noted that he read both reports but he never saw anything to indicate that the homes are too close to prevent replacement of the pipe. Mr. Robbins noted that Mr. Fleming's recommendation in September was to replace the culvert but we can't physically do that. Mr. Seeds noted that the 1996 Report stated that it would lower the flow 2.5 to 3 foot, however the 2013 report stated that it would only lower the flow one foot. He questioned why that is. Mr. Hopple noted that it wouldn't eliminate the backwash. Mr. Wolfe explained that the 1996 report was a desktop report and the 2012 report was based far more on engineering analysis. Mr. Robbins noted that he would be happy to look at it as he did not know if it referenced replacing the culvert. Mr. Seeds suggested that the second report is more accurate. Mr. Robbins agreed.

Mr. Robbins pointed to the roll of bolts on the picture and explained that the contractor would take the bolts out and pull out the bottom; fix the piece that is bulging up and put a new bottom in and we would be back in business if that is what the Board wants him to do.

Mrs. Lindsey questioned which houses he was referring to. Mr. Robbins pointed to behind the property listed as Number 1, moving toward Earl Drive, that house and the house to its left that separates the channel. He noted they are encroaching on the culvert. Mrs. Lindsey noted to replace the culvert; it is too close to those homes. Mr. Robbins answered if we want to put in a larger culvert to get more water through, we can't do it as the houses are sitting on the streambed. Mr. Wolfe explained that we can't increase the height, only the width. Mr. Seeds questioned if HRG stated that we can't go wider. Mrs. Lindsey noted that they recommended replacing the culvert. Mr. Robbins noted that it was one of the recommendations but it is not possible and he did not approach the Board with that solution in September. He noted that the Board needs to have all the options so it can make an educated decision. Mr. Seeds noted that we could replace it but not make it larger. Mr. Robbins noted that you would not want to do that, if you are going to replace the pipe you would want to do something to improve the flow characteristic to alleviate the problem.

Mrs. Lindsey noted that the study mentions realignment and widening of approximately 375 feet. Mr. Robbins noted that is for the stream channel and the installation of a box culvert at Earl Drive. He noted that is the new box culvert that he is talking about. Mrs. Lindsey noted that Mr. Robbins is saying that we can't do that. Mr. Hawk noted if you widen the culvert, you have to widen the creek. Mr. Robbins noted when you look at the upstream end of the culvert, the banks are very steep and if you look at the downstream end, the channel is flat and widens out. He noted if the upstream was as flat and wide we wouldn't have an issue, as that is what the modeling was able to identify. He questioned if it is the Board's wish to replace the pipe that would involve condemning two properties or doing the stream channel work for \$300,000 to lower the flood elevation for a 100-year storm by half a foot. He noted that he would straighten it in spots and widen it in other locations to provide for a better flow characteristic for the channel from Mr. Hopple's and Mr. Heap's property where the stream meanders. He noted when we experience a peak flow condition; it would eliminate the headwaters from backing up.

Mr. Seeds questioned would you use big rocks. Mr. Robbins answered that the design has changed so much that he would have to install riprap and plantings.

Mr. Hawk noted if you are going to widen it then you would have to take a portion of the people's property. Mr. Wolfe noted that you will have to take property no matter what as the

Township does not own any of the stream channel. Mr. Robbins noted that it is Mr. Hopple's responsibility.

Mr. Seeds questioned if Mr. Robbins would have a meeting with some of the neighbors. Mr. Wolfe explained that it is hard to have a meeting when you don't know what the Board wants to do. He noted when Mr. Robbins speaks to the parties involved, he needs to present a project that this Board wants to undertake. Mr. Hawk noted that Mr. Robbins would need Mr. Hopple's approval to do a taking of his property and then actually dig a little deeper. Mr. Robbins explained that it would not be a whole lot deeper, more of a widening effort. He explained the concept is not to go deeper but to widen the channel and soften the slope.

Mr. Seeds noted that you have to deal with the sewer lines in the area. Mr. Robbins explained that he can accommodate that. Mr. Seeds noted if we did what you are saying, widening the channel for \$300,000 would it improve for a 100-year flood event. Mr. Robbins answered, for Mr. Hopple's property the red line shows the existing narrow channel and the black line is the proposed work that shows a widening of the channel. He noted that it is 160 feet up in the channel and it is an exact cross section of what it would look like when it was completed. Mr. Hornung questioned if it would wash back in. Mr. Robbins answered no as he would have to stabilize the stream using rocks, live plantings, and building steps. Mr. Miller noted that the slope is not as steep as it looks. Mr. Robbins noted that he would use very high performing matting so it doesn't deteriorate. He noted that he is confident that we can build it the way it is shown.

Mrs. Lindsey questioned if it would help the residents from not getting water in their basements. Mr. Robbins answered that during a 100-year storm, it would lower the flood elevation by one half foot. Mr. Hopple noted that is not much. Mr. Crissman questioned how many people would that affect. Mr. Hopple noted that it will not be enough as in 2011 it was five and a half feet over his wall coming in through his French doors and causing over \$30,000 worth of damage. He noted that the 1996 report stated that a new culvert would take 2.5 to 3 feet of more water which would also eliminate the backwash of 500 feet that he experiences every time the culvert fills up. He noted that he built a wall around his house in 1995 and for the most part has kept the water from coming into his house but in 2011, the water rose over the wall. He noted that he is trying to help with Mr. Hopple's problem but those kinds of things alter the flood lane and that is why we have problems down the road. Mr. Hopple questioned if he is supposed

to allow the water to come in his basement and not build a wall. He noted that the wall is not located at the creek, but off his patio. Mr. Hornung noted that Mr. Robbins is explaining the affect of those activities. He questioned if you could lower the level coming out of the culvert, would it allow the water going through the culvert to move faster. Mr. Robbins answered no as the upstream end is too narrow. Mr. Hornung questioned if the outlet for the present pipe, when it is full flow, if there is a backup down from the culvert. Mr. Robbins answered on the outlet side, no. He noted that the upstream side is causing the backwater condition which results in the water backing up in the channel. He noted that we don't have a tail water condition as the upstream end of the culvert is very narrow. He showed a picture of the upstream area before the culvert. He noted if you look at the downstream area of the pipe, it is 14 feet wide.

Mr. Seeds noted that the 1996 Report was a table top study and the 2012 was more extensive. He questioned if the pipe was the same in 1996 as for the 2012 report. Mr. Robbins answered that the pipe has never been changed. Mr. Wolfe noted that the question in 1996 was what would it cost to replace the pipe and what would happen if we did that. He noted that it was a desk top study that was an engineering analysis for budget purposes. He noted that it was not an engineering study done in the field to model the stream channel similar to what we did last year. He noted that the assumption that a new pipe would lower the 100-year flood elevation was made based upon someone sitting at his desk doing math on the general geography of the area. He noted for the need in 1996 that was okay, because staff was looking for a budget number. He noted that the Board had not determined that staff would do the project, but now it needs to do something therefore the new study for the cost and what will the cause and effect be. Mr. Crissman noted that we must deal with the real study, the 2013 one and let the 1996 one go.

Mr. Robbins questioned if there is an interest in replacing the culvert he needs to get direction to look at that and come back with some numbers or does the Board want to leave it as it is, do the channeling improvements and replace the pipe since we know we have a failing pipe. Mr. Crissman suggested that we need to replace the failing pipe.

Mr. Hawk noted if he was sitting in Mr. Hopple's seat, he would question if he should give up property only to lower the flood level one half foot, as he would continue to get water in his basement for a 100-year storm. He questioned why the Board would spend \$300,000 for Mr. Hopple to continue to get water in his basement. Mr. Robbins explained, the one thing that will happen if you do the channel improvements and don't do the culvert, the channel will behave

slightly differently for the 25 or 50 year events. He noted it will probably behave differently to Mr. Hopple's liking but in the end, for a 2011 storm he would only get a half foot elevation relief. He noted that the water won't instantly come up if we change the channel to some extent. Mr. Seeds noted that he and his neighbor would lose land and instead of having a nice grass area there would be rocks. Mr. Robbins noted that they will have the same land but it will be altered.

Mr. Hornung questioned what the price to replace the culvert is, noting that you can't do a wider culvert. Mr. Wolfe explained you can do anything you want, but the fear is if you look at Earl Drive and look toward the stream channel you can see the culvert, you can see that at least to the left, the house is in the extended 100-year flood plain. He noted if you go wider, the house is very close to the channel. He noted that the channel walls are almost straight up and down, but they would have to be changed back towards the home. He noted if you go wider and back, the chances that you would not affect those two properties as the houses downstream will be looking at a sleuth of water going into a pipe. Mr. Stine suggested that it would require a total take, taking everything. Mr. Hornung questioned why widening the pipe would require this, doing stormwater improvements with the channel as well. Mr. Robbins noted if you are going to do the culvert, then you would want to do the stream channel improvements as well. Mr. Hornung questioned if Mr. Robbins is talking about doing the channel widening without the culvert replacement. Mr. Robbins noted that he is asking direction from the Board on this. Mr. Hornung noted that it would only drop the flood level a half a foot. Mr. Robbins answered yes. Mr. Hornung questioned if you put in a wider culvert what would that do to the backwaters. Mr. Robbins answered that he did not have that information with him. He noted that he could have Mr. Fleming do an analysis for that.

Mr. Hornung questioned what the dollar figure would be to do this work. Mr. Robbins answered that it would cost between \$300,000 and \$500,000 to replace the culvert and it would not include purchasing the properties. Mr. Wolfe noted if you just widen the culvert, you are still not getting the water into the culvert; you need to do the channel. He noted that the channel is a done deal as you have to do that because if you can't get the water into the culvert there is no use in doing a culvert. He noted for the culvert there are two options: one is to replace the bottom or replace the entire thing. He explained that replacing the bottom would be far less expensive than replacing the entire thing. Mr. Hawk questioned if you can replace the bottom effectively without... Mr. Robbins noted that you would unbolt it and take it out and replace it. Mr.

Robbins noted that the culver is too narrow in the upstream end. He noted that the culvert is eleven feet wide and seven and a half feet high. He noted that he did not know at what width we would have to be at but suggested that it needs to be 15 feet wide; a dramatic difference to install a culvert that wide and that is why those properties would be impacted. Mr. Miller noted when you look at the arch, it is like a flatten triangle, like a barn shape structure with the bottom coming in sheets as it is not one solid piece. He noted that the ends are built up at a 45 degree angle. He noted to keep the integrity of the culvert, they will work the replacement in sections and take pieces out while all the other pieces are intact so you will really only have one or two sections replaced at a time.

Mr. Wolfe suggested that the Board needs more data before it can make a decision. He noted that you need to know the cost of a new culvert, what size culvert would be necessary to carry the 100-year storm, and if we can determine the effect on abutting properties.

Mr. Robbins suggested that the reason for replacing the arch pipe with a box culvert is to get more capacity. He noted that we are pretty much at the limit with the arch pipe. Mr. Wolfe noted if you do both the culvert and the channel with right-of-way, it would be \$750,000 to \$1 million. He suggested that the discussion is a good thing and staff needs to be completely sure what the Board wants to do and what the impacts would be and we need this information before staff talks to the residents.

Mr. Seeds noted that they put in rip rap when they installed the new sewer lines on the west side. Mr. Miller noted that it may have to be modeled depending on what the overall final plan would be. He noted that DEP is not very good about using riprap as rock, and people are not supposed to mow up to the end of the stream. He noted that DEP wants municipalities to work with their residents to go back and establish riparian buffers along all the streams. He noted that it is a ten to 15 foot swamp of everything growing back up and being natural, noting that there will be willow whips in the stream bed so what we picture as the nice little yard and grass growing right up to the edge of the stream is the worst end use for this. He noted that one of the MS4 tasks will be to work with residents and the Board will need to get a message out to folks that we need to reestablish the riparian buffers as it help the landscapers from spraying chemicals right into the stream as there are a lot of benefits to riparian buffers. He noted that the criteria has changed since 1996, so there are a lot of different factors that will go into making this work and it will take a lot of thought.

Mr. Robbins noted during the next road tour he will take the Board to one of the projects that he completed and show what the channel should look like, for instance in Parkway East. He noted that the Board will be amazed at what it looked like and what it looks like now.

Mr. Crissman questioned for the total cost of the project, how many residences it impacts. Mr. Robbins answered that the exhibit was supposed to concern how many people are impacted by the channel. He noted that he would have to take another look to determine that.

Mrs. Lindsey noted when you look at Mr. Hopple's house, to the right there are two big pipes, one on top of each other, where does that water come from. Mr. Robbins answered that the water comes from a drainage basin that is scheduled to be replaced as well. Mr. Miller noted that the water comes from the Friendship Center and Devon Manor could be working its way over in that direction towards Hoffman Ford across Route 22. Mr. Hopple noted that it comes from Karns Market as well and that it is a huge drainage basin. Mr. Hawk noted that we need more information on the culvert. Mr. Robbins noted that he will gather some information and get back to the Board. Mr. Wolfe noted that we will invite Mr. Fleming to the next meeting. He explained that HRG is coming to the meeting in March to discuss stormwater authorities so he can talk to Mr. Fleming about getting more information. He stated that he did not think it would be a super intensive task at this point, and suggested that HRG has the data. Mr. Crissman noted that he would like to know the number of people who would be impacted by this work.

Mr. Miller noted that the 100-year flood is actually a misnomer as FEMA is calling it a 1% chance flood. He noted that we have had a number of 100-year floods in our life time and it should be referred to as the 1% chance flood. He noted that it can happen more than once in a life time.

Mr. Crissman stated to Mr. Hopple that when you clearly chose to live by water you have to live with nature as nature does whatever it wants to do and erosion occurs. He noted that he lives with the same situation and it does occur. Mr. Hopple noted that the development from above is what has caused his problem. He noted when the farmland that was there it sucked up a lot of water but now we put concrete and blacktop in and have pipes that will carry away all the water and this is not happening. He noted that he appreciates all the efforts that the guys are doing but he gets worried every time we get a hard rain as it may come up across his yard. He noted that he is thankful that he built the patio wall around his patio as it keeps the water from going into his house like it did before. He noted during the last storm in 2011; he never thought

that it would come into his basement. He noted that you never have it made when it comes to water. He appreciates all the help that the Board is doing. He noted as far as giving up land, if he can keep water out of his basement, he will give up the land.

Mr. Hopple noted to Mr. Crissman that when you build next to water, you should respect those things, he keeps hearing him say that but you don't remember that it was a very small stream only a foot wide and two inches deep and all the development went up above us and that is when it started to get worse. He noted that he did not build there to take the consequences; when he built there it was fine and great. Mr. Crissman noted that he understands that. Mr. Hopple noted that the embankments are washing away so bad that the rock coming out of the embankments are boulders.

Presentation of the storm sewer issues identified in the Forest Hills neighborhood

Mr. Robbins noted that Forest Hills is an active mini-basin that Ronca is working in at this time, doing some replacement work. He noted that we have talked about not knowing the overall conditions of pipes in Forest Hills in the past.

Mr. Robbins explained that he had a contractor televise the pipes, and he took a sample of each pipe run to determine what the condition of the pipe is for that location. He televised about 7,000 linear feet of pipe, about a mile and a half. He noted that he also televised Centennial Acres and Carrollton Street. He noted that Mr. Miller is reviewing that data at this time.

Mr. Robbins noted that the first photograph is typical for what you see for corrugated metal pipe, as it changes in severity, you can see a wide variation in the pipe type. He noted that the entire 7,000 square feet that was televised has reached its useful life. He noted that there are holes in the pipe and sinkholes will develop in the roadway. Mr. Crissman questioned how long the pipes are. Mr. Wolfe answered that it was developed in 1985. Mr. Robbins noted that the televising was taken from Wimbledon to the northern most portions, and it is all corrugated metal. He noted that much of the pipe was improperly installed, as it was not bedded properly and when they put the fill in, it clumped the pipe. He noted that it pushed a piece of the pipe in. He showed a smaller pipe tying into a much larger pipe where they just cut a hole in it and stuffed the corrugated pipe into it. He noted that today you would be using a concrete structure to join pipes.

Mrs. Lindsey questioned if the builders would have sub-contracted out this work. Mr. Robbins answered that was correct. He noted that they traditionally have a site contractor, noting that Mr. Weaver is finding more things with the sewer installation in that area as well. He noted that there is a very nice size for the pipe that he is showing but the bottom one third of the pipe is completely gone. Mr. Wolfe noted that it is typically caused by age and the type of water.

Mr. Seeds questioned if the bottom sections of this pipe could be replaced. Mr. Robbins answered no as it is not the same instructional integrity. Mr. Wolfe noted that this is much smaller pipe. Mr. Robbins suggested that it is 18 or 24 inch pipe.

Mr. Robbins suggested for the next picture they dug the trench and put the pipe in the ground before they had enough fill over the pipe that should have been all stone, they normally take a large machine to stamp it down, and it appears that that machine caused a catastrophic failure of the pipe the day it was installed, noting that it is a 50% reduction in that pipe.

Mr. Robbins showed a picture with a bad joint, having penetration, noting that it should look straight but he suggested that it could be a phase line where one phased ended, met another, in the middle of Forest Hills Drive, Deer Run Court, and Continental Drive, a 36 inch pipe. He originally thought he could get a contractor to burn off the ragged edges and line it from the inlet to inlet running across the road 90 feet, but, the pipe will have to be replaced.

Mr. Robbins noted that we have some pipes in Forest Hills that are at really deep depths and he does not know why. He noted that the road has a three to four percent grade and he questioned why the pipe has to be that deep. He noted that he will have HRG look to see if we can get this pipe closer to the road surface. Mr. Hawk questioned if it would affect the slope going down. Mr. Robbins noted that he has to carry the flow but questioned why the pipe has to be that deep when you have a grade like this. Mr. Wolfe noted that most likely they laid the pipe first and then filled. Mr. Robbins noted that they normally do that. Mr. Wolfe noted that they would fill that area.

Mr. Robbins noted as we start to talk about more and more replacement of these facilities this is what we call a penetration or cut in at 12 o'clock, a bit of a complicated issue for his Department. He noted under the MS4 requirements this is a source of an illicit discharge, thinking it is a roof header, or sump pump discharge from someone's house and he is not sure how it got into the pipe but someone went to a great effort to try to put a sealer on this. He noted that he will be talking more in the future if we want to permit these. He noted if there were an

accident inside that home and some type of an illicit non-stormwater discharge came out of that pipe, we could back track it to the pipe for who would be responsible. He noted that we have to think if we will allow those, how to abandon them when we replace the pipes, terminating at the right-of-way line and inform the property owner that they are responsible to fix their lines.

Mr. Robbins noted that he showed a picture of a 24-inch pipe with a Verizon line going right through it. He noted that there is 130 miles of pipe in the Township and a lot is going on at any one time and we do not have enough staff to manage the right-of-way issues. He noted if we have to replace that pipe, the cost to do that will be enormous but the cost to have Verizon removed that, noting that this has occurred in numerous locations in the Township. Mr. Seeds questioned can we get them to move the line. Mr. Robbins answered yes. He noted that we should be marking these under the One-Call but we are not. Mr. Wolfe noted when Verizon did their Fios installation, they did it with 20 crews at one time and didn't wait for anyone to mark lines, their approach was if we hit something we will fix it as opposed to worrying about what was in front of them when they dug. Mr. Seeds suggested from a legal standpoint we would have grounds to get them to move theirs. Mr. Wolfe agreed. Mr. Robbins noted that we have had success in doing that as they are decent to work with but they don't typically move at the pace we need, and it is hard to wait for them.

Mr. Robbins noted in reference to the televised pipe, it would cost \$800,000 in today's dollars to replace the pipe, inlet and manholes. Mr. Hornung questioned if that included labor. Mr. Robbins answered that would be the installed cost. Mr. Seeds questioned if this would be contracted out. Mr. Robbins answered yes, noting that restoration and paving would be another \$250,000. He noted that you have to throw in another 10% for maintenance and traffic, another \$100,000 for permitting, surveying and inspection, with a total of roughly \$1.5 million for a mile and quarter of pipe. Mr. Wolfe noted that we are providing this to the Board for informational purposes only and will follow up on road tour to look at this. He noted that the Board borrowed funds for the next couple of years to fund stormwater but something of this magnitude has yet to be funded, and you still have the issues of Earl Drive that have not been funded. He noted that these decisions for stormwater are coming forward and will be big dollars.

Mr. Seeds noted if that is what it is like in Forest Hills which is one of the newer communities, imagine what the rest of the Township looks like. Mr. Wolfe noted that developments prior to that have very limited stormwater facilities, mostly surface facilities. He

noted that anything that was done from 1980 on, had underground storm sewers and most of that is corrugated metal and it is in bad shape.

Mr. Robbins noted when he comes back next month; he will prepare budget numbers for what he is spending for stormwater. He noted that it will also be part of the HRG discussion for how to move forward to finance this.

Mr. Hawk questioned how long the Verizon line has been in that pipe line. Mr. Robbins suggested that it might be five years. Mr. Hawk noted if we allowed it, it would be our responsibility, why. Mr. Wolfe noted under the Once-Call law, we have three days to mark our facilities. He noted if we don't mark it, then the installing party is not liable. Mr. Robbins noted that they will assume that there is no facility there. Mr. Wolfe noted that we physically couldn't mark all the work they were doing. Mr. Stine noted that even in places where they were marked, it didn't matter. Mr. Miller noted that we will most likely get them to move it but it will take time to get them to move it. He noted that there are more than three instances of this in Forest Hills and one is PPL. He noted that their systems are failing and did some extensive work about a year ago. He noted that Verizon's customers will not be happy when they have to take down their service to fix the wire. He noted that PPL could be very large as they were primary lines and they disabled the old ones when they installed the new ones, running parallel systems and abandoning the old one. He noted that they will not want to take an entire neighborhood down to do this. He noted that most of these bores are three to five feet deep and normally an operator would know when he is drilling through a pipe but they will not call and raise a flag.

Mr. Wolfe noted that he will bring this topic back to the Board during its workshop session in March.

Mrs. Lindsey wanted to thank Mr. Robbins as she thinks that his employees are doing a great job.

Presentation of a proposal to institute a comprehensive fire inspection program

Mr. Wolfe explained that John Reed, a fire fighter with Paxtonia Fire Company and an officer in the Company recently met with he and Director Johnson regarding a fire inspection and the need for an inspection program in the Township. He explained that he told Mr. Reed that this is a policy matter and he would have to make a presentation to the Board and that is what he is here this evening to do.

Mr. Reed noted that he is not looking for any money from the Board but is looking to save some money while increasing fire protection in the Township. He explained that he was a career fire fighter and fire inspector for the federal government for 30 years so he knows a little about fire inspections and how they can save money and make the community much safer to protect the fire fighters who are going out to do the job for the Township.

Mr. Reed noted that fire inspections are designed to identify fire hazards that have the potential to cause death, injury, property damage and related hardships. He noted that all commercial properties and common or public areas of Group R Occupancies (apartments, etc.) are subject to inspection. He noted that commercial inspections would occur annually and high hazard occupancy locations would be inspected semiannually. He noted that there is very little industry in the Township unlike Swatara Township that requires high hazard inspections. He noted the goal is to make businesses safe for employees and their customers by using trained inspectors and to conduct inspections of commercial structures “at all reasonable times.” He noted that residential business properties are exempt. He explained, the mom and pop businesses in the home are exempt.

Mr. Reed noted that the program benefits to the Township are reduce frequency of accidental fires; reduce frequency and costs of responding to false alarms; reduce liability exposure related to execution of emergency responses; proactively identify fire and life hazards to First Responders; enhance First Responders’ knowledge re: fire safety; and contribute to reduction in operating costs for emergency equipment. He noted that the benefits to the public are to identify and reduce or eliminate life safety hazards to the public when they are in commercial stores and buildings, reduce the cost of emergency preparedness to the taxpayer; and to improve public relations with the community and business owners. He noted that inspection fees are based on one inspection annually and include one revisit for compliance issues. He noted if you do an inspection on a commercial building and find a fire hazard and have to come back to revisit it, it would be included in the one-time fee. He noted that noncompliance issues will follow Township regulations already in place, noting that you have ways to take care of code issues. He noted that inspection fees are based on property size; noting that it would be by square footage. He noted that properties requiring two inspectors would be charged \$75/hour for the second inspector. He noted that properties with less than 500 sq. ft., with no or low hazard impact may be assessed a minimum fee of \$35. He noted that properties requiring less than 1/2

hour of inspection time and are low impact fire hazards may be assessed a fee of \$ 75. He noted that Hot Work Permits would be issued where welding or cutting process presents the risk of fire. He proposed the following fees for inspections. Properties <1,000 Sq. Ft., \$75.00; Properties 1,000 to 3,000 Sq. Ft., \$200; Properties 3,000 to 5,000 Sq. Ft., \$250; Properties 5,000 to 7,000 Sq. Ft., \$300; Properties 7,000 to 10,000 Sq. Ft., \$400; and Properties >10,000 Sq. Ft., \$450. He noted that all 3rd Party witnessed inspections would be \$75/hour and all fees include report preparation and filing. Mr. Reed distributed a handout for Swatara Township inspections and fees schedule. Mr. Seeds questioned what a third party witness inspection is. Mr. Reed answered that sprinklers system should be inspected annually, but the Township should not get involved in these inspections; therefore, the Township could go out with the third party inspector to witness such things as flows tests etc. He noted that the property owner would be paying the third party inspector to do his job.

Mr. Reed noted that the Fire Inspection Program operates under the authority of the Township Fire Marshal's Office and his responsibilities would be: Township Fire Code Official; Township Lead Fire Inspector; and supervision of the Fire Inspection Program. He noted that inspections could be outsourced to part-time State licensed or Qualified Fire inspectors, noting that Labor and Industry licenses individuals to do fire inspections. He noted that compensation to the contractor for labor would be for hours and inspections performed, for instance, a part-time inspector can do inspections and they would get paid directly from the fees. He noted that he had to make some assumptions for the Township noting that there is no way to come up with a listing of commercial buildings in the Township. He suggested that 750 commercial buildings meet the inspection eligibility requirements. He noted that certified inspectors are available on a part-time basis for subcontracted inspections with one inspector performing an average of three inspections/day. He noted that the hourly rate for subcontract inspector would be \$22/hour. He noted that the cost of inspections varies by size of facility (refer to chart), and the goal is to be revenue / cost neutral to the degree possible.

Mr. Reed noted that a few assumptions are that the subcontract w/10 part-time inspectors to perform the anticipated average number of inspections/day/week/month; each inspector must be properly equipped and supplied to perform inspection duties (Uniforms, Code books, etc.). He noted that the Program administrative costs will include mailings, office equipment, mileage, clerical effort, etc.) and required program management by a Lead Inspector that can be

accomplished with 50% administrative time and 50% field effort. He noted that the program administrator will be the lead inspector and will be expected to spend half of his time doing field inspections.

Mr. Reed noted that generating Revenue to Reduce Program Costs would include 3 Inspections (average inspections per day) x \$200 (average fee per inspection) = \$600/ Day with 5 man-days of inspections/week = \$3,000/week and 4 weeks of inspections/month = \$12,000 and 12 months of inspections/year = \$144,000 for potential revenue for the Township.

Mr. Reed noted that Additional revenue could be gained by violation cost and additional hours billable to inspections above base rate to do follow up inspections. Additional revenue could also be generated for 3rd party witness test. He provided a list of startup costs for the program

Initial Investment Expense	Quantity	Cost Each	Extended
Printing of forms	Stock	-	\$600
IFC Code Book	10	\$90	\$900
Code Pocket Guide	10	\$30	\$300
Badge	10	\$155	\$1,550
Uniform	10	\$200	\$2,000
Computer	1	\$800	\$800
TOTAL Start Up		\$6,150	

Mr. Reed noted that municipalities with Similar Programs are: Limerick Twp., Montgomery Co.: Middletown Twp., Bucks Co.: Warrington Twp., Bucks Co.: Lower Moreland Twp., Montgomery Co.: Swatara Twp., Dauphin Co.: Lower Southampton Twp., Bucks Co.: and numerous additional Pennsylvania municipalities are currently in the process of establishing fire inspection programs. He noted that Lehigh Valley will start commercial inspections in 2014.

Mr. Hawk questioned Mr. Reed when you spoke about administrative support and general expenses, what he was talking about. Mr. Reed answered that the inspector will bring back information to someone in the office who will generate the bills, collect the data and so forth. He noted that he would need some type of administrative support. Mr. Hawk noted that he was looking for that support to come from the Township. He noted that Mr. Reed listed several Townships, and questioned how those rates compare to the rates that you propose. Mr. Reed answered that they are pretty much the same, within \$100 here or there. He noted that your

insurance companies that cover the businesses for their fire and property insurance with love this. He noted that they love the inspectors coming in and reducing the potential loss noting that they sometime provide potential credits to pay for inspection fees. He noted that the loss prevention program inspectors don't have the time or resources to go out and do all the inspections. He explained, if you go on the internet, there are tons of municipalities that are going in this direction as a way to generate funds and help reduce the liability of firefighters while cutting the cost of fire protection. He noted if you can reduce the number of false alarms and don't have to put the volunteer system into action for these types of calls, it would save a lot of money. He noted if you can go into a building and find a hazard that maybe detrimental to a firefighter to fight a fire and report it to the fire chief, that is another win situation.

Mrs. Lindsey noted that she looked at the proposed fees and questioned if the businesses will move to other locations where they don't have to do it. She questioned if Swatara Township had any issues with this. Mr. Reed answered that when Swatara Township started the program almost two years ago, the business owners were in favor of it and thought they were getting something for it. He explained that the businesses realized that they were trying to help the customers and their business. He noted that there really wasn't much of a complaint about the fees. He noted in some instances, the insurance companies will provide a credit or reimburse the owner for the cost of the inspection.

Mr. Hawk noted that each Township would have their own inspectors. Mr. Reed answered yes. Mrs. Lindsey questioned if Swatara Township has an inspector and a fire marshal. Mr. Reed answered that the inspector is usually the fire marshal.

Mr. Hawk questioned if it is a mandatory thing that only certain buildings be inspected. Mr. Reed answered that it is an unenforced thing, noting that most Townships have adopted the International Fire Code for new occupancy, he noted that those systems should be tested at certain intervals, annually or so forth, but generally when occupancy is granted there is no one to enforce it to make sure it is being done. He suggested if you inspected ten businesses in the Townships you would find locked exit doors, sprinkler systems that have not been inspected or maintained and that is a real problem as they must be flushed and maintained. He noted that over the winter months, you hear of many fire department responses to sprinkler systems that have a broken pipe. He noted that generally it is a dry system that runs a dry pipe out into a vestibule in an area that is not heated with the system getting wet from the air resulting in a frozen pipe that

burst. He noted if the people would have known about draining the water out of it monthly you would not have that situation. He noted that there are all kinds of things that an inspector would find.

Mr. Hawk noted that you Mr. Reed would walk in and inspect the building but a \$400 bill could be a little rough for some people who are working on a limited income. Mr. Reed noted that a \$400 bill would be for a large building, like a Home Depot or a Weis Market. He noted that most of those buildings are corporate and they would probably get a reduction in their fire insurance.

Mr. Hornung questioned if Mr. Reed had any statistics that show before and after inspections to show the impact of the program. Mr. Reed answered no, but he could get that for him. He noted that he did not know how doing an inspection of a building would not cause a fire. Mr. Trish questioned if he had any information on the number of false alarms in the Township. Mr. Reed answered that he did not have that information. Mr. Trish questioned if this is something the building inspectors or property maintenance inspectors could do. He noted that they are certified under the ICC and the International Fire Code. Mr. Reed noted that the Township could do self-inspections, but how would you relate that back to the Township. Mr. Trish noted that the Township has employees that have this training. Mr. Reed noted that they can do their local inspections to make sure that the systems are checked annually but you would need someone to follow up to see if it is being done. Mr. Trish noted that the Township fire marshal could do this.

Mr. Hawk noted that Mr. Reed would do the inspections and the Township would handle the billing. Mr. Reed noted that you would have to have administrative support for the billing. He noted that the fire inspector would go out, do the paperwork and inspection and turn the paper work over to the administrative support and they would send the bill out. Mr. Crissman questioned if the subcontractor would become an employee of the Township. Mr. Reed answered that he would be a part-time employee. He noted that the lead inspector or fire marshal would be a full-time employee. He suggested that you would probably want to have ten part-time employees since there are a lot of buildings in the Township and one person would not be able to work them. He suggested that you would only work one part-time inspector a day but you would want to do inspections daily to get all the businesses done. Mrs. Lindsey question if the Township would be responsible for the certifications of each inspector. Mr. Reed noted that it

costs \$50 and it is good for three years. He noted that it is a UCC/ICC certification through Labor and Industry.

“Otta Know” Presentation: Private email and public officials – what is a public document

Mr. Wolfe noted that he received this information from the Township special labor counsel, Ballard Spahr. He noted that their law firm is also part of a inter-consortium for municipalities for the Pennsylvania Labor Relations Service that the Township belongs to; operated by the Pennsylvania Municipal league and PSATS.

Mr. Wolfe explained that Ballard Spahr sent out an email alert regarding public officials and their expectation of privacy using private email accounts to do public business. He suggested that it would be good for the Board members to review this and Mr. Stine could provide additional information.

Mr. Stine noted since the new Right-To-Know Law was adopted there has been cloudiness with regards to emails that are sent in different contexts, from a Township email service or a personal computer, or any computer if it is using a personal email address. He noted in the last couple years it has been clarified by a few court cases. He noted in the 2011 Silverstein case, someone requested emails from a certain or a couple of Supervisors for any emails that were sent or received from certain individuals or any resident in the Township over a certain period of time. He explained that some supervisors would send emails from their personal computers or receive them and some were sent to the Township. He noted in that case the Township Right to Know Officer only got the ones on the Township server or looked for those and they didn’t check to see if any of the individual supervisors sent emails from their personal computers or email because it was the view of the Right To know Officer that they were not under the control of the municipality. He noted that public records have to be under the control of the municipality. He noted that the case ended up in Commonwealth Court and it was found that one supervisor was using his personal email to communicate with residents and it was determined that since he was not transacting municipal business as he was only one person, he didn’t have authority to do anything. He noted that any emails sent from his personal computer or received were not public records as he was not transacting any municipal business. He noted even if he communicated with a developer on a plan because he was only one person on a five member Board it was not public information.

Mr. Stine noted after that came the Mollick case, it was similar but it had a twist to it. He noted that Board was a three member board and what they were doing was using personal or office email to communicate with each other. He noted that two were doing this and in this case it was a quorum. He noted that they were deliberating Township issues so there the court said that those emails violated the sunshine law by doing that, they are public documents and must be surrendered. He noted that emails are a little tricky as a different context could mean different things. He noted if two people on this Board would do it, they would still be private as it is not a quorum as it takes three to be a quorum. He wanted to pass this information along to the Board about emails.

Mr. Hawk noted that the best thing to do is call the person. Mr. Stine agreed it is better not to email anyone. Mr. Wolfe noted that we don't communicate a lot by email but as its use expands it would be appropriate for all to keep in mind that Township stuff could come into question at some point.

Mr. Stine noted if Mr. Wolfe gets an open record request like that, his duty as the Open Records Officer is not only to look at the Township records but to ask each Board member if they have emails that were sent between Board members over a certain period of time. He noted that the Board members would have to respond to whatever the request is. Mr. Wolfe noted that he has not had such a request yet but he has had a request for Township-housed emails and provided it. He noted that he saw the article from Ballard Spahr and wanted to pass it on to the Board members.

Mr. Hornung questioned how long emails can be stored on a computer. Mr. Stine answered that forensic people can get every email you ever sent. Mrs. Lindsey questioned even the ones you delete. Mr. Stine answered yes, they can get anything you ever had on that computer, even if you F-disk the computer, they can get it back. Mr. Wolfe noted that there is no records retention for emails. Mr. Stine noted not specifically for emails but it isn't done by the form of document, rather what it is for. He noted that correspondence must be kept for as long as it is significant. Mr. Hornung noted that the Board must be careful that it does not violate the Sunshine Law by emailing Bill Hawk and Bill Seeds. Mr. Wolfe noted that the Board has never done that. Mr. Hornung noted that is true, but it is good to know not to do that. Mrs. Lindsey suggested that it is good not to email each other. Mr. Wolfe noted that there are also cases for how supervisors handled smart phones and texting during meetings and things like that. He

noted that this Board has never done that. He noted that there would be an issue if the Board, while sitting behind the dais would text each other.

Mr. Hawk suggested that he is looking to eliminate emails from his phone as 95% is junk mail anyway. Mr. Hornung noted that you should not communicate things you don't want the public to know. Mr. Wolfe noted that there is a potential that your home computer can be fair game. Mr. Stine noted that it would include your home email address. He noted just because it sits in your house does not mean that it does not have public records in it. He noted that there are also many federal litigation cases where you have to keep every email that would be involved in the subject matter of the case. He noted if someone filed a discrimination action, you have to keep every email that was ever involved in the case for the municipality. He noted that they are subject to discovery as well even if they were deleted. He noted that a forensic person could get the information off your computer, even if you removed the operating system.

Mr. Crissman noted that it was good information and he thanked Mr. Wolfe and Mr. Stine for sharing it.

Adjournment

Mr. Hornung made a motion to adjourn the meeting and the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Maureen Heberle
Recording Secretary

Approved by,

William L. Hornung
Township Secretary